

REMARKS

1. Status of claims

After entry of the above amendment, claims 1-2, 4-6, 20-21, 23-29, 31-32, and 34-40 are pending.

2. Support for amendment

Claim 2, as amended, recites the limitations previously recited by former dependent claim 3. Claim 29, as amended, recites the limitations previously recited by former dependent claim 30. Other claims have been amended to maintain consistent phrasing with parent claims. No new matter has been added by this amendment.

3. Claim rejections under 35 U.S.C. § 112

The Examiner rejected claims 2, 4, 20-29, and 31-33 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner admitted the specification discloses an angiogenic composition comprising at least one peptide of SEQ ID NO:1-6 and Formula 1 and at least one angiogenic growth factor, e.g., BDAP, BMP, VEGF, bFGF, angiogenin, EGF, PDGF, TGF- α , TGF- β , and TNF- α . However, the Examiner alleged the specification did not disclose an angiogenic peptide comprising a BDAP, VEGF, etc. and also did not disclose a peptide having angiogenic activity and comprising the amino acid sequence of SEQ ID NO:1-6 (with the exception of sequences consisting of SEQ ID NO:1-2). Although Applicants respectfully disagree with the Examiner's above allegation, in the interest of advancing prosecution of the present claims to issuance, Applicants have made the

following amendments. However, Applicants expressly reserve their right to pursue in a continuing application claims of at least equal breadth to those filed with the original application.

Claim 2, as amended, recites limitations previously recited by dependent claim 3, which was not the subject of a rejection. Claim 29, as amended, recites limitations previously recited by dependent claim 30, which was not the subject of a rejection. Applicants therefore submit claims 2 and 29, as well as all claims dependent thereon, comply with the written description requirement and request this rejection, as it applies to currently pending claims 2, 4, 20-21, 23-29, and 31-32, be withdrawn.

The Examiner also rejected claims 29-33 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite because the phrase “said at least one peptide” in claim 29, line 2 lacked antecedent basis. By the above amendment, this phrase has been removed from claim 29. Therefore, Applicants request this rejection of claims 29-33 be withdrawn.

4. Claim objections

Claim 3 was objected to as being dependent on a rejected base claim, but allowable if rewritten in independent form. By the above amendment, the limitations of claim 3 have been incorporated into independent claim 2 and claim 3 has been canceled. Applicants submit the basis for this objection has been removed.

5. *Conclusion*

Applicants submit all pending claims are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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